

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SYNGENTA CROP PROTECTION, INC.)	
)	
Plaintiff,)	
)	
v.)	1:02CV334
)	
UNITED STATES ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
STEPHEN L. JOHNSON, Administrator)	
U.S. Environmental Protection Agency,)	
)	
MAKHTESHIM-AGAN OF NORTH)	
AMERICA, INC.,)	
)	
SIPCAM AGRO USA, INC.,)	
)	
DREXEL CHEMICAL COMPANY, and)	
)	
ALBAUGH, INC.)	
)	
Defendants.)	
_____)	

ORDER

For the reasons set forth in the contemporaneously filed Memorandum Opinion, Defendant EPA's Motion for Partial Judgment on the Pleadings [Doc. #153], as joined by Defendant Drexel [Doc. #149], is GRANTED as it requests dismissal of Counts III, V, and VI; and DENIED as it requests dismissal of Counts IV and VII.

Defendant Sipcam's Motion to Dismiss [Doc. #141] is GRANTED as it relates to Count III, but DENIED as it relates to Count IV.

EPA's Motion for Partial Dismissal of Complaint [Doc. #48] and Sipcam's original Motion to Dismiss [Doc. #52] are therefore rendered MOOT.

Defendant MANA's Motion to Dismiss Counts I through VII for failure to exhaust administrative remedies [Doc. #169] is DENIED in full.

This the day of August 8, 2006

/s/ N. Carlton Tilley, Jr.
United States District Judge